

### **REMARKS**

Claims 1-15 are pending in the present application. Applicants note with appreciation the indication of allowable subject matter with respect to claims 3, 14 and 15. With entry of this Amendment, Applicants amend claims 1, 4, 6, 7, 9-13 and 15 and cancel claims 5 and 8 without prejudice. Reexamination and reconsideration are respectfully requested.

The Examiner rejected claims 1, 2, 4, 6, 7 and 9-13 under 35 U.S.C. § 102(e) as being anticipated by Futamase et al. (US 2004/0007120 A1). The Examiner rejected claims 5 and 8 under § 103(a) as being unpatentable over Futamase in view of Gargiulo et al. (US 2002/0097656 A1). The rejections are respectfully traversed.

The present invention allows a communication terminal to have a display for receiving a musical tone data distributing service. One example of a display is the search screen of Fig. 7. The data for creating the search screen can be obtained, for example, from a server as part of a downloaded program and stored in the terminal. When a user wishes to access the musical tone data distributing service, the search screen is displayed on the terminal based on the previously stored display data. That is, without connecting to any server, the user can view the search screen.

This is advantageous for several reasons. First, it eliminates the need to download the search screen each time the user accesses the service. Second, it reduces connection time to the server, thereby reducing connection time fees for the user. Third, it reduces fees associated with the amount of data downloaded from the server.

Claim 1, as originally drafted, recited “wherein at least a part of the display provided by said display device is carried out based on the display data stored in advance in said storage device, according to a predetermined program executed by said program executing device.” Applicants believe that this recitation clearly reflects that at least part of the display for receiving a service is based on previously stored data.

To further emphasize that at least part of the display for receiving a service is done based on previously stored data, Applicants have amended the above recitation to recite: “wherein at least

a part of the display for receiving the musical tone data distributing service provided by said display device is carried out based on the display data stored in advance in said storage device, according to a predetermined program executed by said program executing device, without the communication terminal apparatus being connected to the server apparatus.” The recitation “without the communication terminal apparatus being connected to the server apparatus” emphasizes that the a portion of the display is not based on any network connection but rather on previously stored data.

Applicants respectfully submit that Futumase fails to disclose the above wherein recitation. Futumase is directed to a portable telephone that can connect to a server. Upon connection, music information in the server is displayed on the portable telephone (see paragraph 0135). The user makes a selection which is subsequently downloaded to the telephone (see paragraph 0146). The tone data corresponding to the selection is used to generate a tone such as for background music (see paragraph 0147).

Futumase accordingly discloses a display of music information from the server on the portable telephone only when the portable telephone is connected to a server. Without the connection, the portable telephone of Futumase would be unable to produce the display (or a portion of it). That is, there no disclosure or suggestion that at least part of a display of a music distributing service is based on previously stored data.

In the Office Action, the Examiner notes that the portable telephone in Futumase receives music, audio and video data from a server and stores them. The Examiner contends that such data is stored in advance of the user’s decision to hear and see the data. Applicants note that the recited display is “the display for receiving the musical tone data distributing service.” There is no disclosure that the data stored in Futumase – such as the music, audio and video data cited by the Examiner – is used to create a display for receiving a musical tone data distributing service. The cited stored data in Futumase is simply performance data. Accordingly, Applicants respectfully submit that claim 1 is not anticipated by Futumase.

Claim 2 which depends from claim 1 is likewise not anticipated by Futumase for at least the reasons set forth above.

Applicants note that independent claims 6, 9 and 11-13 have been similarly amended. It is believed that these claims are not anticipated by Futumase for at least the reasons set forth above with respect to claim 1.

Applicants have amended claims 4 and 7 to incorporate certain recitations of respective dependent claims 5 and 8 respectively and to incorporate similar amendments as made in claim 1. Claims 5 and 8 have been canceled. Applicants respectfully submit that claims 4 and 7 are patentable over Futumase and Gargiulo. It is believed that Gargiulo does not make up for the deficiencies of Futumase given that it was cited solely for its disclosure of a Java applet.

Claim 10 has been amended similarly to claims 4 and 7. Applicants respectfully submit that claim 10 is patentable over Futumase and Gargiulo at least for the reasons set forth above.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue.

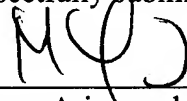
If, for any reason, the Examiner finds the application other than in condition for allowance, Applicants request that the Examiner contact the undersigned attorney at the Los Angeles telephone number (213) 892-5630 to discuss any steps necessary to place the application in condition for allowance.

In the unlikely event that the transmittal letter is separated from this document and the Patent Office determines that an extension and/or other relief is required, Applicants petition for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing Docket No. 393032030000.

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Respectfully submitted,

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